

DIST/OFFICE	DOCKET YR.	DOCKET NUMBER	FILING DATE MO. DAY YEAR	J	N/S	O	R	R 23	S	DEMAND OTHER	JUDGE NUMBER	JURY DEM.	DOCKET YR.	DOCKET NUMBER
1085/4	76	0508	10 07 76	4	360	2	12	144			8508 8509	7	76	0508-B

PLAINTIFFS

MARION COLLINS

DEFENDANTS

N-REN CORPORATION, a Delaware corporation

CAUSE

T. 28, USC, 1332

Plaintiff injured at site of explosion and fire. Sues defendant corporation claiming its negligence caused the fire.

ATTORNEYS

Jack B. Sellers  
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<input type="checkbox"/> CHECK HERE IF CASE WAS FILED IN FORMA PAUPERIS	FILING FEES PAID			STATISTICAL CARDS	
	DATE	RECEIPT NUMBER	C.D. NUMBER	CARD	DATE MAILED
				JS-5	11-1-76(10-1-79)
				JS-6	11-1-77(4-1-80)

DATE 1976	NR.	PROCEEDINGS
10-7	1.	Petition for removal, filed, from Dist. Court of Tulsa Co., Okla.s
10-7	2.	Bond on removal (\$500), filed.s
10-7	3.	Notice of filing of petition and bond for removal, filed.s
10-7	4.	Acknowledgement of Done E. Austin, Clerk of the District Court, filed.s
10-7	5.	Answer of deft., filed.s
1977		
1-13	MO	Parties are directed to hold PT conf. on or before 2-25-77 & file PT Order on or before 3-4-77. (AEB-J)k cps mld
4-15	6	Pltf. appl. with order for ext. of time to submit proposed PT order. fld. O to J. ho
4-20	MO	The Court has for consideration the pltf's appl. for time til 5-2-77 to file pre-trial order, and being fully advised in the premises, finds that said appl. should be granted. IT IS, THEREFORE, ORDERED that pltf is granted until 5-2-77 to file pre-trial order. (AEB-J)k cps mld
5-4	7.	Pre-trial Order, filed. (AEB-J)k cps mld
5-5	8	Pltf. <u>DEMAND FOR JURY TRIAL</u> . fld. ho
5-16	9	Motion fo Deft. N-REN Corp. to strike cause from jury docket. fld. ho
5-16	10	Deft. N-REN Corp. brief in supp. of mot. to strike from jury trial docket. fld. ho
5-17	MO	It is ordered by the Ct. that the Pltfs file a responsive brief w/in 10 days to Defts. mot. to strike case from Jury docket. (AEB-J) cps mld. ho
6-1		Deposition of E. L. McCutchen on behalf of Pltf., fld. (\$52.50)g
6-2	11	Order, fld., denying Pltf's demand for jury trial. Case to be set on next non-jury docket. (AEB-J)k Cps mld.
7-13	MO:	Case set for non-Jury trial on 8-15-77, at 10:00 A.M. (AEB-J)b nts cert ml w/affid
7-19	12	Pltf. mot. to reconsider order striking cause from jury docket and for PT conference, with memorandum in supp. of mots. fld. ho
7-19	MO	It is ordered by the Ct. thate the Deft. file a responsive brief w/in 10 days to Pltf. mot. to reconsider order striking cause from jury docket and for PT conference. (AEB-J) cps. mld. ho
7-29	13.	Response of deft. to mo/reconsider order striking case from jury docket and for pretrial conf., filed. rm
8-4	14.	Order, filed, overruling pltf's mot. to reconsider order striking case from jury docket and for pretrial conference. (AEB-J)k cps mld
8-10	15.	Trial memo. of pltf., filed. rm
8-12	MO:	It is Ordered by the Court that case is stricken from non-jury docket of 8-15-77 to be reset on 9-19-77, at 10:00 A.M. (AEB-J)b nts by phone
8-12	16.	Pltf's exhibit list, filed. b
8-23	17	Pltf. renewed mot. to reinstate case on Jury assignment & adopting brief fld. 7-19-77. fld. ho
8-23	MO	It is ordered that the Deft. file a responsive brief w/in 10 days to Pltf. renewed mot. to reinstate case on Jury assignment. (AEB-J) cps mld. ho
8-24		Return of USM service of civil subpoena, fld. Served Ken Hassinger on 8-5-77 at Chouteau,OK;served Frances L. Shirley on 8-8-77 at Oklahoma City,OK; served Louis Gabbard on 8-12-77 at Catoosa,OK; Served Mrs. Eleanor Campbell on 8-12-77 at Tulsa,OK; Served Mary Courtney on 8-11-77 at Tulsa,OK; served A.F. "Pete" Dyer on 8-10-77 at Bartlesville,OK; served Lloyd Williams on 8-5-77 at Vinita,OK; served Warren Rogers on 8-5-77 at Adair,OK; served Betty Thomason, Med. Records

PLAINTIFF	DEFENDANT	76-508-B
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DATE	NR.	PROCEEDINGS
		(cont.) Librarian, on 8-8-77 at Tulsa, OK; Served Douglas Wells on 8-5-77 at Pryor, OK; Served Carol Mirtz on 8-5-77 at Pryor, OK; served Joe A. Fulmer on 8-5-77 at Pryor, OK; served Larry Propst on 8-5-77 at Pryor, OK; Served Donald D. Collins, M.D. on 8-5-77 at Pryor, OK; served Paul N. Atkins, M.D. on 8-5-77 at Tulsa, OK; served A. Munson Fuller, M.D. on 8-5-77 at Tulsa, OK; served J.E. Jones, D.O. on 8-5-77 at Pryor, OK; served Raymond Bewley on 8-5-77 at Pryor, OK; served Geral Kinnian on 8-5-77 at Pryor, OK; served Bob Cowan on 8-5-77 at Chouteau, OK (USM fees \$96.84) ra
8-26	18	Defts. response to Pltfs. renewed mot. to reinstate case on jury assignment. fld. ho
8-31	19	Order, filed, that pltf's renewed mot. to reinstate case on jury assignment is denied. (AEB-J)k cps mld
9-1	MO:	Case set on non-jury docket for 9-19-77, at 10:00 A.M. (AEB-J)b nts mld
9-12	20	Deft's trial brief, filed.k
9-16	21	Pltf. exhibits list with tentative trial outline. fld. ho
9-19		Case called for non-jury trial. Parties present & recognized back on 9-20-77, at 10:00 A.M. (AEB-J)b
9-22		Case called for non-jury trial. Parties pres. & announce ready. Case tried to Court on 9-20-, 9-21 & 9-22-77. Parties waive opening statements & Pltf. presents case in chief; witnesses sworn & testify. Parties enter Stipulations. Pltf. rests. Deft. presents case in chief; witness sworn & testifies. Pltf. makes closing statement. Pltf. moves for Judgment in favor of Pltf. Ct. overrules, & takes case under advisement. Ct. directs parties to file Findings & Conclusions with Court by 10-3-77. (AEB-J)b
9-22		Pltf's trial exhibits filed. b (exhibit room)
9-22		Deft's trial exhibits filed. b (exhibit room)
9-28		Reporters transcript of proceedings had on 9-20, & 21-77, Partial transcript. (GRD-CSR) ho
10-3	22	Pltfs. requested F/F & C/L fld. ho
10-14	23.	Findings of Fact and Conclusions of Law, filed & entered. (AEB-J)k
10-14	24.	Judgment, filed & entered, in favor of the defendant and against the plaintiff. (AEB-J)k cps mld
11-10	25.	Notice of appeal by pltf. from judg. of 10/14/77, filed. rm - copies to USCA and counsel
11-10	26.	Cost bond (\$250 cash) on appeal, filed. rm
12-15	---	Letter from 10th Circuit, assigning No. 77-2052. rm
12-19	----	Reporter's transcript of non-jury trial proceedings had on 9/20/-21 and 22, 1977 (two vols.), filed. (PP. 1-417)(G. Dorrough-CR)rm
12-19	----	Appeal record (3 vols) transmitted to USCA.rm
1978 2-17		CC of Order of USCA referring application of Appellant to withdraw an exhibit presently in trial court & and for permission to substitute a photostatic copy, to USDC for ruling, filed. g CT, AIC

## CIVIL DOCKET CONTINUATION SHEET

**JUDGE BRET**

PLAINTIFF		DEFENDANT	DOCKET NO. _____
Marion Collins		N-Ren Corp.	PAGE ____ OF ____ PAGES
DATE	NR.	PROCEEDINGS	
3-1	27	Order, fld. IT IS ORDERED that the appl. to w/draw Pltfs. exhibit #44 being an anatomical chart of the human ear & substitute therefore a photostatic copy of said exhibit is hereby sustained. IT IS FURTHER ORDERED that Pltf. accomplish such substitution under the direction of the Court Clk, who shall ascertain by comparison that the photostatic copy is an exact & true copy of Exhibit #44 being w/drawn. (AEB-J) c/m ho	
6-5-78	28	Application of plaintiff-appellant to withdraw Plaintiff's Exhibit No. 43, an anatomical model of a human knee, and substitute a photostatic copy (with statement of no objection by defendant), filed. g	
6-5-78	29	Order, filed, granting application to withdraw Plaintiff's Ex. 43 and substitute a photostatic copy. (AEB-J)g (substitute made) g	
<u>1979</u>			
9-19	29	MANDATE & OPINION OF 10TH CIR., filed and spread of record, reversing & remanding for new trial in accordance w/opinion. rm	
9-19	30	STATEMENT OF COSTS from 10th Cir., taxed in amt. of \$65 in favor of pltf. and against deft.(JCS-Clk)rm	
9-19	31	DEMAND for jury trial by pltf. rm	
9-20	---	CASE reopened and assigned to Judge Daugherty pursuant to Local Rule of Ct. rm	
11-9	MO:	CASE TRANSFERRED TO JUDGE THOMAS R. BRETT.(JCS-CLK)jc	
11-15	MO:	CASE set for pre-trial hearing 12-13-79.(TRB-J)jc not/mld	
12/13	Hrg.	PRETRIAL HEARING HELD. Deft. to file trial brief by Jan. 14, 1980, Pltf. to respond and file brief by Jan. 28, 1980. Court rules that case should be tried to a jury. <u>CASE SET FOR JURY TRIAL ON 2/19/80 at 9:30 A.M.</u> Requested instructions, requested voir dire, are to be filed on or before 2/14/80. Pltf. to prepare suppl. PTO and have it on file w/in 10 days. (TRB-J)v	
12/13	-	Notice of Jury setting and due dates for briefs, etc., mld. this date. v	
12-20	32	SUPPL. PRETRIAL ORDER. (TRB-J)g c/m	
1-14-80	33	TRIAL BRIEF of deft.cs	
3-10	34	APPLICATION for dismissal.cs O to be in.	
Mar.20	35.	ORDER OF DISMISSAL, filed and entered. (TRB-J)v c/m	
<u>1982</u>			
3-31	36	APPLICATION of Pltf. for order for repayment of costs bond. pt (O) (OK/HM) (O as part of appli.)	
4-2	--	ORDER directing Clerk of the Court to refund \$250.00 cash bond to Jack B. Sellers, who posted it. (TRB-J) pt c/mld	
<u>1983</u>			
3-4	--	EXHIBITS returned to pltf counsel. hm	